

III. REMARKS

Claims 1-22 are pending in this application. By this amendment, claims 1, 6, 10, 12, 16, 19 and 23 have been amended. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Office. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1 and 19 have been objected to for informalities. Claims 1-22 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Alcorn (U.S. Patent Pub. No. 2004/0153509), hereafter "Alcorn." Claims 23-25 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Altenhofen (U.S. Patent No. 7,153,137), hereafter "Altenhofen."

With regard to the objections to informalities, Applicants have amended claims 1 and 19 based on the Office's suggestions. As such, Applicants request that these objections be withdrawn.

With regard to the 35 U.S.C. §102(e) rejection of claims 1-22 over Alcorn, Applicant asserts that Alcorn does not teach each and every feature of the claimed invention. For example, with respect to claims 1, 10, and 16 Applicant submits that Alcorn fails to teach a component-based learning management architecture where the various servers and modules are realized as physically separate elements.

Interpreting Alcorn for purposes of this response only, Applicants submit that Alcorn discloses a simple system for providing access to on-line courses. Alcorn does not disclose that its system is component-based, as claimed in the claimed invention. Nor does Alcorn disclose that its system consists of modules and servers that are physically separate from each other, as also required by the claimed invention. (*see e.g.*, FIG. 1C, showing the elements of the application are all on server 161).

In addition, with respect to claims 6 and 12, Alcorn does not disclose that the learning management server, the plurality of delivery servers, the plurality of content servers and the plurality of live session servers are all implemented as separate geographic elements within the architecture. In contrast, the claimed invention allows various components of the architecture to be realized in multiple geographic locations. In addition, Alcorn does not disclose that an applicable content server is determined based on a geographic proximity of a student. In contrast, in the claimed invention, because the content servers can be geographically separate from the other elements, the applicable content server is determined based on the geographic location of the student, *i.e.*, if a student is on the East Coast, an East Coast server may be the most applicable content server. Alcorn does not disclose this determination based on a geographic location.

As such, Alcorn does not teach each and every element of claims 1-22 and Applicants respectfully request that the rejection be withdrawn.

With regard to the 35 U.S.C. §102(e) rejection of claims 23-25 over Alpenhofen, Applicant asserts that Alpenhofen does not teach each and every feature of the claimed invention. For example, as discussed above, Alpenhofen, like Alcorn, does not disclose a component-based system. Moreover, with respect to claim 23, Applicant submits that Alpenhofen fails to teach a

local delivery server, local content server, local database and a download and synchronization manager that is present on a local system to facilitate off-line learning. Alpenhofen further fails to disclose that a local database that communicates with the local content server to determine whether the educational content is available for the student. In the claimed invention, these elements are all present on the local system, and the local system makes the determination if content is available for a particular student. To do this, the local delivery server will contact the local database to obtain any necessary enrollment information. In contrast, Alpenhofen discloses that a curriculum manager determines which courses are generally available for off-line learning. The Alpenhofen system does include a local database and local content server that makes a determination if a course is available off-line to a particular user. As such, Applicants respectfully submit that Alpenhofen does not disclose each and every element of claims 23-35 and request that this rejection be withdrawn.

With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

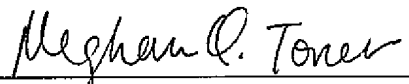
In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's

combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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